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Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 32

Question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (continued) (A/7622 and Corr.1)

1. Mr. SARAIVA GUERREIRO (Brazil): For two years now the General Assembly has been seized of the question of the peaceful uses of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. First the *Ad Hoc* Committee and then the permanent Committee have devoted a great deal of time and energy to discharging the task entrusted to them by resolutions 2340 (XXII) and 2467 (XXIII). This year's labours are incorporated in the report of the Committee contained in document A/7622 and Corr.1, and I would like to take advantage of the opportunity to express the gratitude of the Brazilian delegation to Mr. Amerasinghe and Mr. Galindo Pohl and to Mr. Denorme, as well as to the Bureaux of the Committee and its two Sub-Committees.

2. We may say that a few results have been expressed, or clearly implied in the resolutions we have adopted thus far in this matter, but we have been unable to agree on a statement of the principles that should pave the way for the establishment of a legal régime for the sea-bed and ocean floor. Furthermore, the report of the Legal Sub-Committee includes a very useful synthesis [A/7622 and Corr.1, Part Two, paras. 83-97] for which my delegation is indebted to Mr. Badawi, Rapporteur of that Sub-Committee. The synthesis makes clear that some common denominators have already emerged from the discussion, but it also emphasizes in paragraph 84 that:

"These denominators could in no way be construed as an acceptance by the sub-committee that they constitute

an adequate basis for the elaboration of a balanced and comprehensive declaration of principles."

3. Despite the existence of these common denominators, which seem to augur well for the future of the negotiations on the sea-bed, serious divergencies of opinion still exist among the members of the Committee, as can be seen in a simple perusal of the report of the Legal Sub-Committee. The Synthesis itself mentions some of these differences of view and, having no wish to examine them all, I shall only point out here that among the most controversial issues is the question of determining whether the future declaration of principles should refer to the whole range of uses of the sea-bed or whether it should restrict itself to the exploration of the resources of the area. Given these basic divergencies, it is only proper that paragraph 17 of the report of the Legal Sub-Committee should stress that:

"...it would be unwise to send a statement of principles to the General Assembly before the real and legitimate differences of opinion still existing were duly overcome as such statement should be one which gives satisfaction to all nations".

4. It is thus evident that the area of agreement produced by the negotiations undertaken this year does not yet provide the basis for a comprehensive and well-balanced declaration that could "embody the aspirations of all members of the international community" as envisaged in paragraph 15 of the report of the Legal Sub-Committee.

5. My delegation, however, does not think that the Committee should be criticized for the fact that it could not recommend at this stage a draft statement of principles for adoption by the General Assembly. The mills of international decision-making grind slowly, particularly when, as in the case with the sea-bed, serious national interests are at stake and cannot be overlooked for the mere sake of speed. The report of the Legal Sub-Committee provides, in the view of my delegation, a sound basis for making progress in 1970. I must admit that the Brazilian delegation is still optimistic and hopes that a satisfactory level of equilibrium of interests may be found in the course of the negotiations of the Sea-Bed Committee.

6. I now wish to comment on some points raised by the Committee's report. Along with a majority of the members of the Sea-Bed Committee, Brazil has consistently stressed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, are the common heritage of mankind and that this key concept should provide the cornerstone for a legal régime for the area and, in particular, for the exploration, use and exploitation of its resources. It has been said by some delegations that the expression "common heritage of mankind" lacks legal

content and is not a self-explanatory legal concept. An answer to this kind of criticism, which has repeatedly been heard in the United Nations since the remarkable speech by Ambassador Pardo during the twenty-second session of the General Assembly,¹ is provided in paragraph 23 of the report of the Legal Sub-Committee where it stressed that “before their adoption, all legal concepts are devoid of legal content”. Legal concepts are not only theorizations of previous legal norms and practices, but also creative concepts from which such norms and practice flow. If mankind had always restricted itself to applying legal concepts that already existed, legal systems would not have developed and law would not have fulfilled its proper function in social progress.

7. During the discussions in the Legal Sub-Committee, my delegation tried to spell out clearly what common patrimony means on the basis of two main corollaries, the first of which would amount to a denial of rights and the second of which would amount to an assertion of rights. Common heritage would mean, according to the first concept, that the area cannot be subject either to sovereign claims in public law or to appropriation in private law, and, according to the second concept, that States shall participate in the administration and regulation of the activities in the area, as well as in the benefits obtained from the exploration, use and exploitation of its resources. Those are the essential features of the concept. Further corollaries necessarily follow relating to the common interest in ensuring the preservation of the ecological balance of the marine environment; the non-use of the area for national, strategic purposes; fairness and non-discrimination in the regulation of access to the resources of the area; the need for appropriate international machinery to implement the norms that may be adopted, and so on.

8. The debates in the Legal Sub-Committee made it abundantly clear that, although unexceptionable, the concept of non-appropriation is in and by itself clearly inadequate and not comprehensive enough to provide a basis for a legal régime for the area. A few delegations have pointed out that the expression “common heritage of mankind” constituted a neologism. But what, in our view, would constitute an unnecessary neologism would be to define common heritage on the exclusive basis of the non-appropriation principle because then we would be calling by a new name the old notion of *res communis omnis*. The truth is that the principle of non-appropriation is not incompatible with an unqualified exercise of the freedom of exploration and exploitation which would be to the exclusive benefit of the technologically developed countries. There is no sacrifice on the part of those countries in renouncing any assertion of rights of sovereignty in the sea-bed, since the exploitation of sea-bed resources, particularly minerals, will not require more than some jurisdictional or exclusive rights related directly to the needs of the operation.

9. As to the concepts of jurisdiction and exclusive rights in the international area, the Brazilian delegation believes that any declaration of legal principles should state that no State may exercise or claim jurisdiction over any part of it nor

should any State grant exclusive rights to it, except as might be provided in the legal régime to be established. Of course, future exploitation will require the granting of exclusive rights to States in some areas of the sea-bed. For instance, jurisdiction will have to be exercised by the State for purposes of civil and criminal law over its own agents or private individuals and corporations engaged in activities in the area, for which it is internationally responsible. But the granting of such rights and the exercise of such jurisdiction cannot be the result of unilateral measures on the part of States and can be recognized as legal only in the context of a régime for the activities of exploration and exploitation of the sea-bed which will provide for the granting of exclusive rights or for the exercise of jurisdiction and its modalities.

10. If we accepted the exercise of jurisdiction or the granting of exclusive rights prior to, or outside, the legal framework of an international régime, we could be faced with a situation in which sovereignty or sovereign rights could very well be exercised under the guise of distinctions of a technical nature and of rather imprecise contours. Already during the discussion that took place in the International Law Commission on the continental shelf, several members expressed scepticism on the possibility of a clear distinction between sovereignty on one side, and jurisdiction and control, on the other.

11. The Brazilian delegation wishes to emphasize in this context that it questions the legality of any exploration or exploitation activities concerning sea-bed resources in the absence of a legal régime for the regulation of such activities. We fully agree with what is said in paragraph 46 of the report of the Economic and Technical Sub-Committee [*ibid.*, Part Three] to the effect that “no activities should be permitted prior to the establishment of an international régime”. Furthermore, we adhere to the view included in paragraph 33 of the report of the Legal Sub-Committee [*ibid.*, Part Two] that “any freedoms laid down in the Convention on the High Seas should apply to the sea-bed only as far as provided by the régime to be set up”. The reference made in article 24 of that Convention² to the exploration and exploitation of the resources of the sea-bed is in sharp contradiction with the fact that this agreement, as is expressly recognized in its preamble, is of a purely codificatory nature and therefore could not create new rights regarding activities that at the time of the conclusion of the agreement were non-existent and unforeseen.

12. Regarding the reservation of the sea-bed for exclusively peaceful purposes, we will reserve our comments for the discussion of the report of the Conference of the Committee on Disarmament. Allow me, however, at this point to say that the Brazilian delegation strongly feels that, before the General Assembly decides to endorse any measures of disarmament of the area, those measures should be the object of a thorough examination by the Sea-Bed Committee. For us it is not only a question of the Committee’s being empowered to do so, in accordance with operative paragraph 3 of resolution 2467 A (XXIII). For a majority of countries, which do not have the technology to place nuclear or other weapons of mass destruction in the sea-bed, the question of the sea-bed goes beyond its mere

¹ Official Records of the General Assembly, Twenty-second Session, First Committee, 1515th and 1516th meetings.

² United Nations, Treaty Series, vol. 450 (1963), No. 6465.

utilization for military purposes. The military-strategic approach of the Conference of the Disarmament Committee should thus be complemented by a more comprehensive approach, one which views the military uses in the framework of the other uses of the area, particularly of the exploration and exploitation of its resources. In fact the Sea-Bed Committee is in its very concept a focal point for consideration of the diverse aspects of the question of the sea-bed, including the question of reservation for exclusively peaceful purposes.

13. My delegation has never doubted the need for establishing intergovernmental machinery, in case the international community wishes to secure the rational development and equitable management of the resources of the sea-bed. The main task of such machinery should, of course, consist in regulating and administering the activities carried out in the sea-bed and, in particular, the activities of exploration and exploitation of the resources of the area, in accordance with the international régime to be agreed upon. My Government will consider with attention the report [A/7622 and Corr.1, annex II] submitted by the Secretary-General pursuant to resolution 2467 C (XXIII). We support the decision taken by the Committee to the effect that this report should be complemented by concentrating on the status of the machinery, its structure, and the power and authority to be given to it, as well as its activities and functions.

14. I shall now refer to the question of scientific research. Concerning scientific research carried out in the area under national jurisdiction, there is no doubt in the mind of the Brazilian delegation that the coastal State, according to the pertinent Geneva Convention, can close whole areas of the shelf to scientific research and investigation. That is clearly what is meant in article 5, paragraph 8, of the Convention on the Continental Shelf,³ which requires the consent of the coastal State for any research in the shelf. Furthermore, the 1956 report of the International Law Commission pointed out, in commenting on its proposals on the law of the sea, that the coastal State could refuse its consent “in cases in which it fears an impediment of its exclusive rights to explore and exploit the sea-bed and subsoil”.⁴ Still in relation to scientific research on the continental shelf, my delegation wishes to stress that we fully agree with the statement made by the representative of Argentina in this Committee last year⁵ that there is no difference in concept between research and exploration. In Brazil, for instance, research and exploration on the continental shelf, in the territorial sea and in internal waters are regulated by the same Legislative Act, which does not establish any distinction between the two kinds of activity.

15. As to scientific research in areas beyond national jurisdiction, the Brazilian delegation supports the view that the area should be open without discrimination to scientific research for peaceful purposes. However, if the area is, as we believe it to be, the common heritage of mankind, it is only logical that programmes of scientific research and their results should be freely communicated to benefit all parties

to the heritage. Therefore, the exercise of the freedom of scientific research is conditional upon dissemination of programmes and of their results.

16. The Brazilian delegation also feels that it is imperative to promote international co-operation in this research in such a manner as to strengthen the research capabilities of developing countries. It is also our view that scientific research does not imply any right as to exploitation.

17. Furthermore, the Brazilian delegation believes that, as pointed out in paragraph 64 of the report of the Legal Sub-Committee,

“since the marine environment constituted a whole, some rights of coastal States should be recognized with regard to research carried out in areas of the sea-bed which are adjacent to their national jurisdiction, so that research in the sea-bed is not used as a pretext for research on the continental shelf without the consent of the coastal State, as required by article 5, paragraph 8, of the Geneva Convention”.

And, one could add, research in such adjacent areas may be quite relevant from the point of view of the knowledge of the area under national jurisdiction.

18. As to the existence of an area of the sea-bed and ocean floor which lies beyond the limits of national jurisdiction, full agreement has been found among the members of the Committee, as had already occurred before in the *Ad Hoc* Committee. The only difference of opinion on this question arose in regard to the need for recording such an agreement in a declaration of principles. The Brazilian delegation, along with others, has doubted such a need. The existence of the area has been the main assumption of resolutions 2340 (XXII) and 2467 (XXIII), and indeed of all the work done by the *Ad Hoc* Committee and by the Committee now in existence. It is our view that to state the existence of the area as an operative paragraph of a declaration of principles would be irrelevant, to say the least, although we would have, of course, no objection in principle to such a paragraph if it is part of a well-balanced and comprehensive declaration. The mere fact, however, that a declaration of legal principles concerning the activities of States and their nationals in the sea-bed shall be adopted can only imply the existence of the area.

19. The question of boundaries of this international area gave rise to many difficulties among the members of the Sea-Bed Committee. The Brazilian delegation does not believe that any progress in the negotiations on an international régime for the sea-bed is conditional upon previous agreement on a boundary for the area under national jurisdiction. We find some cogency in the argument advanced in the Committee and referred to in paragraph 77 of the report of the Legal Sub-Committee, according to which “the previous establishment of an international régime would facilitate the task of determining the limits of the area”. After ascertaining that their legitimate interests in the exploration and exploitation of deep sea resources had been met, States would tend to behave with more restraint in regard to their claims of national jurisdiction.

³ *Ibid.*, vol. 499 (1964), No. 7302.

⁴ *Official Records of the General Assembly, Eleventh Session, Supplement No. 9, chapter II, section III, article 68.*

⁵ *Ibid.*, Twenty-third Session, First Committee, 1594th meeting.

20. Furthermore, and paragraph 78 of the report of the Legal Sub-Committee points out this fact, it is undeniable that, without mentioning outer space, where no delimitation has been established between the area under national jurisdiction and the area which is not, the whole question of the boundaries of maritime spaces has not been definitely settled in spite of many efforts and of two United Nations Conferences on the Law of the Sea.⁶ We still do not have a limit for the territorial sea universally and uniformly recognized. We still do not have a limit for the preferential fishery rights claimed by some coastal States. And, of course, we still do not have a limit for the continental shelf which is precise in view of the open-ended definition adopted by the Geneva Convention. Boundaries are thus a problem which is common to all maritime spaces and which has been left open also in the case of outer space.

21. In this context, let me express the opinion that the present controversy on article 1 of the Geneva Convention on the Continental Shelf has produced as much heat as light. Many arguments and several elaborate theories have been adduced either to prove a restrictive intention or an extensive intention on the part of the drafters of the Convention.

22. The fallacy behind both kinds of argument is that they are based on the same assumption of the existence of a clear intention, a fact which has not been proved to satisfaction. On the contrary, article 1 was the product of a compromise between different doctrinal positions and therefore cannot provide a clear-cut answer to the question about the intention of the drafters. To ascertain such intention has become a very intelligent but largely academic exercise and my delegation doubts that such a method will ever provide in this specific case a solution to the question of the delimitation of the area under national jurisdiction. One could point out, however, that the continental margin down to the landward side of the continental rise constitutes a geological unity and represents unquestionably the prolongation of the continental land mass, which cannot be said of the abyssal depths. The whole continental margin has thus an element of factual relationship with the coastal State, absent in other delimitation criteria, and it provides by itself a possible natural point of reference.

23. Paragraph 79 of the report of the Legal Sub-Committee deals with the revision of the Geneva Convention on the Continental Shelf. The Brazilian delegation supports the idea of consultations with Member States on delimitation and on the convening of an eventual international conference. But we do not believe that it would be advisable to restrict such a conference necessarily to the revision of the Continental Shelf Convention, as it should include other questions relating to the law of the sea. During the debates in the Sea-Bed Committee, we have been constantly reminded that the marine environment constitutes a whole, but when we come to the hard decisions, this simple truth seems to be frequently forgotten.

24. It is obvious that each area of the sea has its own specific régime, but it is equally true that it would be

extremely difficult, if not impossible, to discuss any of them without bringing to bear a consideration of the whole in which it is inserted. No convincing reason has been advanced to justify a change in the method adopted by General Assembly resolution 798 (VIII) for dealing with the questions of the law of the sea and by the International Law Commission whose 1956 report pointed out in paragraph 29 that: "Judging from its own experience, the Commission considers—and the comments of Governments have confirmed this view—that the various sections of the law of the sea hold together and are so closely interdependent that it would be extremely difficult to deal with only one part and leave the others aside."

25. My delegation now wishes to draw the attention of this Committee to some very important points raised by the report of the Economic and Technical Sub-Committee. In paragraph 147 of that report the view is expressed that:

"... preferential rights should be granted to the coastal State with regard to mineral deposits lying within a zone beyond its jurisdiction but adjacent to it",

and that

"... the granting of preferential rights of that kind should however in no way prejudice the delimitation of the area of national jurisdiction or be used to reduce the area of the sea-bed where the coastal State exercises sovereign rights."

26. The Brazilian delegation shares that view and believes that the granting of such preferential rights should not be restricted, as envisaged in paragraph 91 of the report of the Economic and Technical Sub-Committee, to the cases where the unity of mineral deposits do occur, but should apply in principle to all the resources existing in a zone immediately adjacent to the area under national jurisdiction.

27. Paragraph 148 of the report of the Economic and Technical Sub-Committee refers to the need for recognizing that the coastal State has some special rights within a zone lying beyond the national jurisdiction but adjacent to it, with respect to the supervision and regulation of activities within that zone, presumably to be carried out by the future machinery. Participation of the coastal States in these activities is particularly important not only in view of the adverse effects that the exploration and exploitation of the sea-bed may have on the coastal environment, but also in order to ensure strict compliance with the sovereign rights of States with respect to their continental shelf recognized by existing international law.

28. Attention should also be paid to paragraph 149 of the report of the Economic and Technical Sub-Committee, which emphasizes that:

"The possibility of registration of claims by inter-governmental agencies referred to in the Secretary-General's report was . . . especially important for developing countries, which could through such a procedure pool their resources in regional ventures."

29. Paragraphs 153 and 154 also deserve the closest attention. Since the very start of the sea-bed debate in the

⁶ Held at Geneva, 24 February to 27 April 1958 and 17 March to 26 April 1960.

United Nations one of the prevailing assumptions has been that a substantial part of the benefits obtained from the exploration and exploitation of the resources of the area should be applied to the economic, social, scientific and technological progress of the developing countries, as many delegations put it, or to international community purposes, as some delegations have suggested. The question as to the best method of channelling these benefits has also been touched upon and it has been advanced that this task could be entrusted either to the future international machinery itself or to some United Nations organs such as the United Nations Development Fund. The Brazilian delegation fully shares the view expressed in paragraph 153 of the Economic and Technical Sub-Committee's report to the effect that "a broad range of methods of channelling benefits in the interest of the international community should be considered", including "a method of direct channelling of benefits to States".

30. It is clear to us that the benefits to be derived from the exploration and exploitation of the resources of the sea-bed should accrue to States not as an act of generosity by the wealthy members of the international community, but as a necessary consequence of the principle of the common heritage of mankind. Therefore, the sharing of these benefits has nothing at all to do with economic aid, which is a very different concept. What is due to every nation as the heir of a common patrimony should not be disguised for any reason as economic assistance, whether bilateral or multilateral.

31. The report of the Economic and Technical Sub-Committee also mentions the very important question of the economic effects of the exploitation of the sea-bed mineral resources on the prices of raw materials obtained on dry land. My delegation hopes that by next year the Economic and Technical Sub-Committee will be able to examine the question more closely, including measures aimed at controlling the fluctuations of prices of raw materials in the world market that may be the result of competition from sea-bed minerals.

32. I come now to my concluding remarks. I said at the beginning of my intervention that our discussions had certainly achieved some results. In a very broad sense, we have recognized the fact that the sea-bed and ocean floor, and the subsoil thereof, beyond national jurisdiction is of immediate concern to the international community as a whole and that it is subject to regulation by agreements promoted by this Organization. This is not an area where the unilateral and unhampered initiatives of States can legitimately take place. General Assembly resolution 2340 (XXII) has already referred to the importance of preserving the area from actions and uses which might be detrimental to the common interests of mankind. All that we have been trying to do in the last two years aims precisely at preventing disorder and inequity in this new domain of human endeavour.

33. However, the high purposes that have motivated the debate on the question of the sea-bed by the General Assembly could be defeated if unilateral and arbitrary use were made of this area before we agreed on the main elements of a legal régime for it. Given the extreme difficulty of reaching a declaration of principles at the

present session, the Brazilian delegation feels that the General Assembly should consider the possibility of adopting some measure of a purely procedural and precautionary nature, aimed at preventing unilateral actions from frustrating the negotiations now going on in the United Nations.

34. To conclude, may I state again that we are optimistic and have hopes that the elaboration of an outline of a régime will not be delayed indefinitely and that there is still room for fruitful negotiations. We hope that next year the Sea-Bed Committee will advance in a very constructive manner in its work.

35. Mr. HAYMERLE (Austria): This is the second time since the presentation of this item that we have been called upon to consider a report on the question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor.

36. The report which we examined last year was prepared by the former *Ad Hoc* Committee on the peaceful uses of the sea-bed.⁷ It was of a fact-finding nature, meant to clarify the scope of the item and the range of its problems with a view to making it possible to decide on the action to be taken in the future. On the basis of the findings of that report we proceeded last year to establish a standing Committee. The Standing Committee has presented us with a report on the activity carried out during its first year of existence.

37. At the outset I should like to state for my delegation that we are satisfied with the document now under consideration [*A/7622 and Corr.1*], which in content goes beyond the report of the *Ad Hoc* Committee. In fact, the terms of reference and the orientation of the standing Committee are different from those of the *Ad Hoc* Committee since it is also entrusted with the task of making recommendations to the General Assembly on specific problems for which solutions appear of great importance. The task of the Standing Committee is thus to recommend ways and means to attain the rather distant, but nevertheless very precise, objectives set forth in the preamble of resolution 2467 A (XXIII). Furthermore, the Committee was created to be the focal point for the co-ordination of the activities of international organizations in the same field.

38. Before turning to the substance of the report placed before us, I should like to make a remark with regard to the text of a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed. That draft treaty, as we have learned, is now under consideration by the Conference of the Committee on Disarmament and is expected to be submitted to this Assembly as a part of the report of the Conference. It will be considered, as we understand it, under the disarmament items allocated to this Committee, and we agree to that procedure.

39. In addition, however, the Sea-Bed Committee, which is called upon to study further the reservation exclusively

⁷ *Official Records of the General Assembly, Twenty-third Session, document A/7230.*

for peaceful purposes of the sea-bed, will have to consider that draft treaty according to the relevant provisions of its mandate laid down in operative paragraph 3 of resolution 2467 A (XXIII).

40. I shall now turn to the document before us. In it my delegation identifies three main problems which have been considered by the Standing Committee and which deserve further consideration. These problems concern:

(a) The question of legal principles which would promote international co-operation in the exploration and use of the sea-bed and ocean floor and which would ensure the exploitation of their resources for the benefit of mankind.

(b) The elaboration of norms for such international co-operation and the study of economic and other requirements, which such a régime should satisfy.

(c) The definition of the limits of the area beyond national jurisdiction.

41. With your permission, Mr. Chairman, I should like now to review briefly the progress made in those three fields and to state the Austrian position and the expectations of my delegation with regard to these points.

42. The first aspect to be considered in this context is the drafting of general principles. As can be seen from the report before us, the Legal Sub-Committee devoted its attention almost entirely to that particular subject. It was helped in its endeavours by an informal group which was sitting in the inter-sessional period and which succeeded in compiling a comprehensive list containing all formulations and draft declarations which had been put forward in the *Ad Hoc* Committee and during the last session of the General Assembly. The report of that informal group which is attached to the report of the Legal Sub-Committee was the basis of its work during its August session. It is, in our view, a very helpful document, which lists all the formulations presented under the heading of the principles to be considered. Furthermore, we welcome the initiative taken by the Rapporteur of the Legal Sub-Committee to endeavour to give a synthesis of these proposals. [*Ibid.*, *Part Two*, *paras. 83-97.*]

43. My delegation is aware that the results so far achieved are not overwhelming. Let us recall, however, that it took the Committee on the Peaceful Uses of Outer Space, which some time ago was confronted with the similar task of drafting a declaration of legal principles, a number of years to arrive at an agreed solution. We would of course be pleased if the Sea-Bed Committee could arrive at such a declaration in a shorter period of time. However, we are aware of the difficulties involved in this problem. We would therefore propose that the Sea-Bed Committee continue its efforts and try to elaborate a comprehensive set of principles as soon as possible.

44. In this context I should like to state that we do not agree with the suggestion to draft in the first instance only a limited number of basic principles, since we are inclined to think that the will to complete such a partial declaration would slacken considerably once a few principles were adopted.

45. The question of establishing an international machinery in due time also has a prominent place in the report before us. The deliberations on that topic took place, to a large extent, in the Economic and Technical Sub-Committee, which examined the various forms of machinery that can be set up to govern exploration and exploitation of the sea-bed resources. The discussion of that problem was greatly facilitated by the excellent report [*A/7622 and Corr.1, annex II*] prepared by the Secretary-General in accordance with resolution 2467 C (XXIII). As can be seen from the document before us, the consideration given to that item, although done in a thorough manner, was only of a preliminary and tentative nature, owing to the complexity and importance of the problem and the lack of time which was afforded to delegations and governments to study the report of the Secretary-General.

46. We expect, therefore, that the Sea-Bed Committee will continue the examination of this problem, also giving due regard to its legal and political connotations. In this respect, my delegation agrees to the suggestion made during the August meeting of the Sea-Bed Committee that the Secretary-General be asked to undertake a complementary study of those questions. As to the substance of the problem, my delegation holds the view that an international machinery will have to be part of an international régime for the sea-bed and ocean floor. We find it rather difficult to indicate at this stage the precise type of machinery which will eventually have to be set up to meet our needs and requirements. In this context, my delegation would wish to point out the importance of studying in great detail all the factors which will have a bearing on the functions assigned to such a machinery, since it might be difficult to modify the structure and authority of the machinery once it has been established.

47. The last of the three problems which my delegation feels would deserve urgent consideration is the question of defining the area beyond national jurisdiction. I regret to say that the Sea-Bed Committee has not been dealing with that aspect to any appreciable extent.

48. In our view, the nature of any international régime for the exploration and exploitation of the ocean floor may well be affected by the limits of the area over which such a régime will apply. The reason for that contention is, among others, that marine mineral resources are apparently not evenly distributed over the ocean floor.

49. Mr. KLAFKOWSKI (Poland) (*translated from French*): In the introduction to the annual report of the Secretary-General on the work of the Organization, he makes the following statement on the work of the United Nations this year:

“... it was generally recognized that to proceed effectively in this direction would require a substantial measure of agreement and further study to elaborate the legal principles and norms to promote international co-operation in the exploration and use of the area, as well as a study of the economic and other requirements that such a régime for the area should satisfy in order to protect the interests of humanity as a whole”.⁸

⁸ *Ibid.*, *Twenty-fourth Session, Supplement No. 1A*, para. 58.

50. The Polish delegation is firmly convinced that the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction [A/7622 and Corr.1] confirms the seriousness of the problem and the statements of the Secretary-General.

51. We have studied this report very carefully and wish first of all to express our opinion that it is sound proof of the serious studies and effective work carried out in this field of progressive development of international law. The report is presented in a perfectly logical way and this deserves noting, for it is a very difficult task to combine in the same document the various results which form the basis of the legal, economic and technical work accomplished.

52. In analysing such documents it is always possible to formulate general considerations as well as comment on special problems. The Polish delegation wishes to avail itself of this opportunity to give its views on the most important questions presented in the report and also to make clear its attitude insofar as the report is concerned. We see in it three complex questions of great significance: first, the role of the United Nations in the matter of the inclusion of the sea-bed and ocean floor in the international co-operation system; secondly the efforts needed to achieve results in the development of international law in that particular field; and, thirdly, the problem of the co-ordination of economic and technical premises in that field.

53. I should now like to explain our attitude to these three questions. The first question relates to the exceptional role of the United Nations as regards the initiation and co-ordination of the work, the principal aim of which is the inclusion in the machinery of international co-operation of the sea-bed and ocean floor beyond the limits of national jurisdiction. We read in the introduction to the annual report of the Secretary-General of the United Nations his view that it is evident that:

“... such co-operation will become an increasingly important factor in the efforts of the international community to make constructive use of this extensive new area. The ability of the United Nations system to ensure that exploration and exploitation of the resources of the sea result in benefit to mankind will greatly depend upon the success of such co-operation”.⁹

54. Of course, it can be said that so far all efforts in this field have been made by various organs of the United Nations, created and set up under its auspices.

55. If we examine the conclusions reached in this respect in document A/7622 and Corr.1 we should stress the importance of the fact that scientific research in this field is free. This principle has met with general acceptance, as has also the idea favouring international co-operation in this field, particularly in the case of regions where there is a great probability that discoveries will be made. The role of the programmes of national research and of those of the specialized international institutions must be emphasized. Among the latter, the Polish delegation wishes to emphasize the results of the work of the Intergovernmental Oceanographic Commission of UNESCO which has prepared and

already published a programme of long-term research and exploration which includes *inter alia* legal problems [A/AC.138/14]. This programme is a logical result of the long-term work undertaken by the United Nations.

56. In paragraphs 105 and 121 of the report of the Economic and Technical Sub-Committee the great usefulness of the work performed by the Intergovernmental Oceanographic Commission of UNESCO is emphasized. Our delegation endorses this appreciation and feels sure that the completion of this scientific programme would be a valuable contribution to the achievement of the objectives set out by the Economic and Technical Sub-Committee, *inter alia* in paragraph 51 of its report.

57. We must also recall in that context resolution 1112 (XL) of 7 March 1966 in which the Economic and Social Council requested the Secretary-General to make a survey of the conditions and progress of exploration and the possibility of exploitation of the sea-bed and ocean floor.

58. We must further recall resolution 2172 (XXI) by which the General Assembly at its twenty-first session requested the Secretary-General to organize a study of the scientific, technical and technological results achieved in this field. And finally, it is proper to recall the report of the Secretary-General published under the title *Marine Science and Technology. Survey and Proposals*¹⁰ and the document of February 1968 published by the Economic and Social Council concerning the wealth of the oceans—excepting the fisheries—beyond the continental shelf.¹¹

59. The Polish delegation mentions these activities of the United Nations in order to lay stress on two aspects of special significance. Firstly, it must be acknowledged that the United Nations is a great centre of studies meeting as it does all the requirements of international life, including the requirements for the progressive development of international law in this field. The United Nations is a great centre of co-ordination of all oceanographic sciences on a world-wide scale. This co-ordination harmonizes the activities of States and of governmental and non-governmental organization. That is why we should appreciate the role played here by the United Nations.

60. Secondly, the Polish delegation would like to draw attention to the problem of the questionnaire sent to States by the Secretary-General as an annex to his note of 6 July 1967.¹² It is well known that the answers to these questions were basic to the documents I have enumerated. Perhaps an even more detailed questionnaire could now be prepared. Three years of work and of governmental experience should enable the Committee to complete basic documentation which has been verified and is completely up to date. Such documentation would make it possible to continue the work in an effective and useful manner. In our view this could also be a pre-condition for the full implementation of long-term programmes.

¹⁰ Document E/4487 and Corr.1-3, 5 and 6 (mimeographed).

¹¹ Document E/4449 and Add.1 and 2 (mimeographed).

¹² See document E/4487, annex II.

⁹ *Ibid.*, para. 61.

61. I turn now to the second question, which is closely related to the results achieved in the field of progressive development of international law as they were presented in the report of the Legal Sub-Committee. First of all I should like to make some general observations. In our view the report of the Legal Sub-Committee poses considerable legal problems at this preliminary stage of clarification and subsequent unification. Nevertheless, the report is already a good basis for further discussion and raises many important questions, including questions of method. With regard to the process of the formation of international law, the work of the Legal Sub-Committee is now at the stage of a discussion on general principles. However, as regards method, it is necessary that the Sub-Committee should at least adopt some general principles which could then become directives for the future legal system. It is often said that a modern legal system is necessary for harmonious economic and social progress, and yet we always find that the law lags behind the times. Thanks to the methods used in its work by the Legal Sub-Committee, there is a real possibility that new concepts and new legal instruments will be worked out.

62. The report shows us that international efforts should be made to achieve this task even though marked divergencies of views have become evident. The Legal Sub-Committee is playing a very useful role in encouraging contacts and fostering international co-operation on the difficult but necessary basis of compromise and consensus. This is no easy task, but the point of departure is defined by international law itself: it is the principle of the use and exploitation of the resources of the sea-bed and ocean floor for the benefit of mankind as a whole, irrespective of the geographical situation of States, and taking into account the special interests and needs of the developing countries. That is why the Polish delegation approves the contents of paragraph 48 of the report of the Legal Sub-Committee, which states that no situation should be created "which may be detrimental to the technologically less-developed countries, or in any way stifle them or destroy the incentives for their activities".

63. We also approve the conclusion in paragraph 49 that "land-locked States ought to be placed on an equal footing with coastal States".

64. We believe also that the set of legal principles presented this morning by the representative of Ceylon [1673rd meeting] certainly deserves very serious study.

65. Those are some of the considerations directly related to the report and the documentation which preceded it.

66. I should like now to dwell on a few specific and important problems of detail which appear in the report.

67. The first problem is the answer to the question: "For whom are we working *de lege ferenda* in this Committee?" We are convinced that the report of the Legal Sub-Committee in its paragraph 36 reflects the essential elements of positive international law applicable to activities undertaken by States on the sea-bed and ocean floor.

68. Existing international law must be correctly applied and new legal principles must be defined in full accordance with the methods used for the progressive development of

international law. Thus, the Committee could continue its work *de lege ferenda* for the whole of the international community and it could work out the legal system without discriminating between States. In our view that is the main purpose of our work.

69. The documents which I have quoted in dealing with the role to be played by the United Nations can facilitate our full achievement of this main purpose. We can also benefit from other models—for example, resolution 1962 (XVIII) of the General Assembly concerning the legal principles governing the activities of States in the exploration of outer space, and also the 1959 Antarctic Treaty.¹³ Such a method of work would facilitate the attainment of the main objective of our time, namely, respect for the unity of the system of international law as it exists today. Such a method of work would perhaps also facilitate the formulation of a definition of the expression "Use of resources for the benefit of mankind as a whole" which up to now has been a very difficult task. It is enough to refer here to paragraph 147 of the report of the Economic and Technical Sub-Committee to show that jurists are not the only ones who must search for an appropriate definition in this case.

70. The second specific problem is the formulation of the legal status of the sea-bed and ocean floor. It is not sufficient to proceed with scientific research, to co-ordinate it better and better, to publish research information, and to facilitate access to the results of such research. We are all aware of the difficulties which exist. Yet, we must act fast because time is of the essence in this matter. It is not possible to continue discussion of such concepts as *res nullius* or *res communis* or even the "common heritage of mankind". Pragmatic considerations oblige us to put an end to such discussions which go back to the time of Grotius. As far as we are concerned, we have already in this field the work of the International Law Commission and the preparatory work of the Geneva Conference¹⁴ on the four maritime conventions of 1958. We must benefit from that work in order to form an advance opinion on the legal status of the sea-bed and ocean floor.

71. The third specific problem is the question of the delimitation of the area of the sea-bed and ocean floor and of the subsoil thereof which lies beyond the limits of national jurisdiction. Such delimitation would have to be precise and internationally recognized. The Legal Sub-Committee has presented in paragraphs 34 and 74 to 80 all the difficulties which exist in this area. To date, a consensus has been reached on the fact that there is such an area, but there is no agreement on the question of its exact limits. The Polish delegation believes that a clarification of the legal definition of the continental shelf must precede the work on the definition of the boundaries of such an area of the sea-bed and ocean floor. We are in agreement with the view expressed by the Legal Sub-Committee on the methods of work as set forth in paragraph 33 of its report.

72. The Polish delegation recognizes the gaps which exist in the Convention on the Continental Shelf but in our view

¹³ United Nations, *Treaty Series*, vol. 402 (1961), No. 5778.

¹⁴ United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958.

an international conference would not really have any chance of succeeding at the present stage.

73. I come now to the third specific question which concerns some general considerations related to the report of the Economic and Technical Sub-Committee. It is also a question of our own period which springs from the consequences of world economic and technical progress in relation to the creation of international law to govern the international community.

74. What we read in the excellent report of the Economic and Technical Sub-Committee is simply a preliminary study of the means to promote the exploration, exploitation and utilization of the resources of the sea-bed and ocean floor. But we must deduce from the report that it is impossible to benefit from those resources before the great economic and technical problems are resolved. We have carefully studied that report and we wish to express our thanks and congratulations to the outstanding experts who prepared it. In our view, its most striking feature is the very concise report on the extremely rapid technical advances that have been made and of the accelerated rate of such progress in the field of the exploitation of the sea-bed and ocean floor. This shows that the scientifically and technically advanced States are better prepared to benefit from all the advantages offered by the riches of the marine world. That is why we have here a problem that is not only economic and technical, but is mainly a problem of economic and technical stability, a problem of the stability of all aspects of world economic relations in the very near future. The report we are discussing is thus a warning which should not be overlooked.

75. These are the three questions on which the Polish delegation wanted to give its own comments.

76. Our general opinion is that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has submitted a constructive report which can contribute to advancing the work in this field. In our view, this report has defined in its paragraph 84 "areas of agreement", or "areas of disagreement" wherever there were divergencies of views. But at the same time, the report is undoubtedly an appeal to the United Nations to continue its work in this area without delay.

77. The wealth of problems presented in the report prevents us stating our exact attitude towards all the questions. That is why the Polish delegation wished to state its views more particularly on those questions which may be regarded as a common denominator for all the members of the international community. It is possible that the Polish delegation will have to revert to certain other problems, and we shall do so if necessary.

78. Mr. OLISEMEKA (Nigeria): Permit me first of all to associate my delegation with the sentiments of sympathy and condolence that have been expressed to the delegations of Yugoslavia and Tunisia on the recent tragedies that have befallen their two countries. Nigeria shares in their grief and would request you, Mr. Chairman, to convey, through the delegations of Yugoslavia and Tunisia our deepest sympathy to the peoples and Governments of their two countries.

79. The report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction which is now before this Committee for consideration has been the product of serious effort and intensive discussion by members of the Sea-Bed Committee which was established last year by the General Assembly in accordance with resolution 2467 (XXIII) of 21 December 1968. That Committee, it will be recalled, was the successor to the *Ad Hoc* Committee whose report to the twenty-third session of the General Assembly¹⁵ broke significantly new ground and was considered of such value as to have justified the establishment of a standing Committee to continue with the work of the *Ad Hoc* Committee. Nigeria was not a member of the *Ad Hoc* Committee. However, it became a member of the Sea-Bed Committee when it was established at the last session. As a result of our membership we consider that we are now better able to appreciate the tremendous effort involved in submitting a report on a subject which is generally acknowledged to be very wide in scope, complex in character and delicate in the range of highly sensitive matters on which some degree of agreement has to be reached. It is for this reason, and because we recognize the patience and dedication of all members of the Committee, that we would wish to place on record our admiration and deep appreciation of the effort and leadership of the Chairman of the Sea-Bed Committee, Mr. Amerasinghe of Ceylon.

80. Mr. Amerasinghe, and indeed the entire Committee, was very well served by a team of brilliant and devoted officers in the Main Committee and in the two Sub-Committees. It would be unfair to single out any particular names for mention, but those of us who had the good fortune to work under the direction, leadership, and in close collaboration with these colleagues will find it difficult to forget the single-minded zeal of the Chairman of the Economic and Technical Sub-Committee, Mr. Roger Denorme, as well as the remarkable efficiency of our Rapporteur on that same Sub-Committee, Mr. Anton Prohaska.

81. As usual, the Committee's work was considerably facilitated by the excellent studies and documentation prepared on specific subjects by the Secretary-General, without whose assistance it would have been difficult to make any real progress. My delegation owes him and his dedicated staff a heavy debt of gratitude.

82. The present item, that is the report on the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, is so vast in scope that one cannot possibly, even if it were desirable, do more than simply touch upon the essential features of the work of the Committee. We consider that it is in the Sea-Bed Committee that the detailed elaboration and consideration of the work of the Committee and the serious and patient search for agreement must continue. The First Committee, indeed the General Assembly, has a significant role to play in helping give the Sea-Bed Committee direction and impetus to enable it to arrive at a satisfactory conclusion to its work. I use the word "conclusion" even though this may convey the impression that the work of the Sea-Bed

¹⁵ *Official Records of the General Assembly, Twenty-third Session*, document A/7230.

Committee has advanced to the point where its conclusion is in sight. This is far from being so.

83. Although the Committee has made some progress in its work, it is still very far from its goals. The areas of agreement are still very few and marginal. It is hoped that the areas of disagreement will become narrower with the necessary adjustments, and a much broader concept and orientation achieved which would assist the Sea-Bed Committee in overcoming the obstacles which at present make agreement difficult on essential issues. The Sea-Bed Committee should be assisted to move forward so that it will be able to make specific recommendations on the broad range of substantive matters before it. The absence of any specific recommendations so far should not, however, be regarded as an indication of failure. On the contrary, valuable ideas and results have flowed from the work of the Committee. Through frank exchange of views more light has been thrown on the ramifications of the subject before us. There is now a greater appreciation of each other's point of view. The Committee has above all been able, I hope, to lay the essential foundation of trust and goodwill. That is the immeasurably valuable capital from which we must eventually draw in order to make the sea-bed a model of international co-operative effort and endeavour free from the acquisitive greed of the few, the common heritage of all, the resources of which should be placed at the disposal of, and for the benefit of, mankind as a whole. This is how my delegation views the result of the first year's effort contained in the present report of the Sea-Bed Committee.

84. The time has come, however, for the Committee to make substantive progress in its work. The value of the report of the Economic and Technical Sub-Committee, Part Three of the present report, lies in the light it sheds on the advance—in our opinion, a considerable advance—that has so far been made in the exploration and exploitation of the resources of the sea-bed and ocean floor. The facts show that the work of exploration and exploitation is increasing and that considerable progress has been made. We owe our knowledge of the technological advance so far made in this area to the technologically advanced countries. That is why we would wish to express our appreciation particularly to the representative of the United States in the Sea-Bed Committee, for his having made available to the Committee factual data and information covering various aspects of exploration activities. In this connexion, I have in mind the useful information provided relating to the activities of the *Glomar Challenger*, as well as other valuable documentation willingly distributed to members of the Sea-Bed Committee.

85. The technical progress already achieved argues and reinforces the case for even greater urgency in the serious consideration of the basic issues before the Committee. These issues have been carefully enunciated in the relevant resolution of the General Assembly adopted at the twenty-third session, that is, resolution 2467 (XXIII). Part A of that resolution instructs the Sea-Bed Committee:

“To study the elaboration of the legal principles and norms which would promote international co-operation in the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and ensure the exploitation of their

resources for the benefit of mankind, and the economic and other requirements which such a régime should satisfy in order to meet the interests of humanity as a whole”.

Part C of the same resolution requests the Secretary-General to undertake

“... a study on the question of establishing in due time appropriate international machinery for the promotion of the exploration and exploitation of the resources of this area, and the use of these resources in the interests of mankind, irrespective of the geographical location of States, and taking into special consideration the interests and needs of the developing countries, and to submit a report thereon to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for consideration during one of its sessions in 1969”.

36. Basically, these are the two issues to which the Sea-Bed Committee has been directing its attention: the question of principles, and the question of the establishment of an appropriate international machinery. In none of those two areas was the Committee able to make sufficient progress to enable it to make any specific recommendations to the General Assembly. That lack of agreement was reflected in Part One, paragraph 15, of the report which states:

“In spite of intensive discussions, it was not found possible to arrive at the stage of making specific recommendations on the substantive matters before the Committee. The synthesis contained at the end of the report of the Legal Sub-Committee reflects the measure of progress achieved in the sustained attempt to arrive at a formulation of principles, which was one of the main preoccupations of the members of the Committee.”

87. Again in Part One, paragraph 19, of the report, in specific reference to the question of the establishment of an appropriate international machinery, it is stated that:

“In the very limited time at its disposal, the Committee was unable to finalize its study in detail of all the various aspects of the report of the Secretary-General... relating to the question of establishing the exploration and exploitation of the resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction and the use of their resources in the interests of mankind—an item which by virtue of resolution 2467 C (XXIII) was accorded a degree of priority.”

88. We recognize that, besides the questions of the formulation of principles and the establishment of international machinery, there are also other important and related matters. There is, for instance, the question of boundaries; there is the important aspect of pollution, as embodied in resolution 2467 B (XXIII); the question of “the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor”; and the concept of an international decade of ocean exploration contained in resolution 2467 D (XXIII). It cannot be claimed that the Committee was able, within the time at its disposal, to give all due consideration to those subjects, although they

include one or two matters which, it could be argued, did not fall within its competence.

89. My delegation has already had ample opportunity in the Sea-Bed Committee to make its position known on a number of these issues. If we now reiterate a few of them it is only to underline the importance we attach to them. We do not wish, however, to go into any detail, recognizing that this can and should effectively be done in the Sea-Bed Committee. It is necessary though to restate certain basic concepts which we consider essential for the continued serious consideration of the subject before us. We have always felt that a régime for the sea-bed and the ocean floor should rest firmly on a set of well-defined principles, comprehensive and well balanced, reflecting the notions of justice and equity. We also feel that any such principles should have as broad a support as possible. While we maintain an open mind on what form the set of principles should eventually take—whether or not they should form the basis of an international treaty or treaties—we remain convinced that what is desirable, in the words of the Committee's report, is "to have a meaningful and comprehensive declaration" of principles.

90. We are convinced that no international co-operative effort for the sea-bed and ocean floor will be worth while or likely to succeed if it fails to reflect or take into full account the just aspirations of the vast majority of members of the international community. That is why we remain firmly convinced that the notion of the common heritage of mankind should form the bedrock for the formulation of specific principles concerning the area of the sea-bed and ocean floor beyond the limits of national jurisdiction.

91. From this notion all other concepts can easily flow. Since this area is the common heritage of mankind, it follows that its use must be regulated by the international community, that no one country or group of countries can appropriate the area for its own use, that due attention must be paid to the most appropriate and equitable application of benefits obtained from the exploration, use and exploitation of this area, that due regard must be paid to the special needs and interests of the developing countries, that freedom of access and use should be guaranteed to all States and that the principle of peaceful use should be scrupulously observed.

92. This broad concept, translated into practice, calls for the establishment of an international machinery which should have jurisdiction over the uses of the sea-bed beyond the limits of national jurisdiction, with properly defined powers, functions and authority. The functions and powers of the international machinery must not, in our opinion, be restricted to those of a simple registration or licensing office, as some would wish. On the contrary, the international machinery should have extensive and far-reaching powers and functions. We are, however, not wedded to the idea of any particular type of international machinery, so long as what emerges by common agreement takes account of the consequences flowing from the notion that the area is the common heritage of mankind, and the fact that what belongs to all must be used for the benefit of all.

93. The relevant and immediate question is what can be done during the present session of the Committee to

further the acceptance of these concepts and ideas. My delegation is of the view that the Sea-Bed Committee must be given sufficient time to continue with its work so as to be able to reach the position where it can submit specific recommendations to the General Assembly for consideration. We are therefore in basic agreement with the conclusion reached by the Sea-Bed Committee that its efforts should be continued with a view to the formulation of recommendations during future sessions. But while we agree that more time should be allowed to the Committee, we would wish to stress the importance of removing those obstacles which have so far hindered progress in the search for agreement.

94. One beneficial result that emerged during the close of the second session of the Sea-Bed Committee was the value and usefulness of informal consultations. The measure of progress achieved in the effort of synthesizing the various views and viewpoints was due principally to the efforts undertaken by the informal drafting group. We feel that greater use should be made of such processes. But above all, we feel that the time has come for those delegations which have difficulty in accepting the concept of the common heritage of mankind and the consequences which flow from that concept to review and reconsider their position, thereby contributing effectively to the formulation of principles acceptable to all. For the moment we consider it only right and proper that the Sea-Bed Committee should be asked to continue its present efforts to reach agreement on the elaboration of principles applicable to a future régime.

95. On the question of international machinery we owe a lot to the excellent studies prepared by the Secretary-General [*A/7622 and Corr.1, annex II*]. Here again, my delegation agrees with the recommendation of the Sea-Bed Committee that the Secretary-General should be requested to undertake an in-depth study of international machinery, concentrating on the status, structure, powers, authority and functions of such machinery.

96. While we would not wish to prejudice the results of these studies, we are nevertheless of the opinion that any future international machinery should have jurisdiction over the uses of the sea-bed and ocean floor beyond the limits of national jurisdiction. It should be an autonomous organization within the United Nations system. It should have power to regulate, supervise, co-ordinate and control all activities relating to the exploration and exploitation of the resources of the area. It should be responsible for ensuring the rational exploration, conservation, exploitation and development of the resources of the sea-bed. It should arrange training programmes aimed at enabling the developing countries to increase their expertise in the techniques needed to carry out operational activities with respect to the sea-bed.

97. We consider this aspect of the organization's proposed functions of considerable importance, for as long as there continues to exist a shortage of trained personnel no worthwhile contribution can be made by developing countries towards responsible participation in the activities in this area. It is in order to promote participation that my delegation would wish to underline the importance it attaches to the proposal on training programmes.

98. These are a few of the suggestions which we hope the Secretary-General will be kind enough to bear in mind when preparing a study on the establishment of international machinery. We repeat that it is not our intention to prejudge this study or to prejudge the results of this study, but we remain confident, on the basis of the excellent studies already submitted to the Sea-Bed Committee, that these views will be taken into consideration to broaden the scope and give concrete meaning and teeth to the proposed machinery.

99. There are other aspects of the Committee's mandate which it did not have sufficient time to consider. Due attention still has to be given to those aspects of the Committee's mandate which relate to the subject of marine pollution control and the protection of the living and other resources of the sea-bed and ocean floor. The Committee may have to consider what contribution it could make to the subject matter of operative paragraph 3 of resolution 2467 A (XXIII) in the light of recent developments. These and other areas of the Committee's mandate, together with such other related matters as the question of boundary, require closer attention.

100. It is for this reason that we agree with the suggestion of the Committee's report that it should be allowed more

time in future to carry out its programme of work and allotted time adequate for meetings in the coming year. We share the hope that substantive progress will be made in the Committee's work during the coming session.

101. My delegation remains ready to offer all its co-operation to ensure the successful conclusion of the Committee's work. It remains our most earnest hope that the sea-bed and the ocean floor beyond the limits of national jurisdiction will be spared the ugly divisions which have disfigured the surface of the earth and that unselfish and genuine international co-operation and effort will prevail in this area.

102. The CHAIRMAN: I have no other speaker on my list for this afternoon. The next meeting will be held on Monday, 3 November, at 3 p.m. There will be only one meeting on that day, and two meetings on Tuesday and the days following. The following four countries are listed to speak on Monday, and there may be a fifth: Malaysia, Australia, Cameroon and Cyprus.

The meeting rose at 5.15 p.m.